

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION (PCT Rule 66)

To:

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Applicant's or agent's file reference
PSD42183PCT1

REPLY DUE within 1 month(s)
from the above date of mailing

International application No.
PCT/IB 03/05639

International filing date (day/month/year)
28.11.2003

Priority date (day/month/year)
29.11.2002

International Patent Classification (IPC) or both national classification and IPC
H04H1/00

Applicant
NOKIA CORPORATION ET AL.

1. This written opinion is the first drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 28.03.2005

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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-11 as published

Claims, Numbers

1-21 as published

Drawings, Sheets

1/4-4/4 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-7,10-21
Inventive step (IS)	Claims	8,9
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item II

Priority

1. The present application PCT/IB03/05639 claims priority from the application GB0227952.9 filed 29.11.2002 and published 02.06.2004 as UK Patent Application GB2395868.
However, GB0227952.9 is not the first application of the applicant for the subject-matter of **claims 1, 12, 20**, because PCT/IB02/00726 filed 12.03.2002 and published as WO03/077550 discloses:
 - a method of configuring (see page 10, line 24 to page 11, line 2; page 13, lines 11-24) a digital broadcast receiver (see page 5, lines 24-29) to receive individually addressed messages (see page 8, lines 6-19) through a digital broadcast network (see page 5, lines 11-14; page 7, lines 11-21), the messages being derived from a different network (see page 4, line 14 to page 5, line 6), comprising sending to the digital broadcast receiver through the network, message detection data that allows the digital broadcast receiver to identify messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver (see page 10, lines 7-22; figure 4b), and storing the message detection data (see page 9, lines 22-32) for use in the digital broadcast receiver to detect messages addressed thereto (see page 13, lines 11-24; page 16, lines 12-17).
 - a method of operating a digital broadcast network (see page 5, lines 11-14; page 7, lines 11-21) to configure (see page 10, line 24 to page 11, line 2; page 13, lines 11-24) a digital broadcast receiver (see page 5, lines 24-29) to receive individually addressed messages (see page 8, lines 6-19) through the network, the messages being derived from a network different from the broadcast network (see page 4, line 14 to page 5, line 6), comprising receiving specific data that individually characterises a particular digital broadcast receiver (see page 10, lines 7-22; figure 4b), providing message detection data as a function of said specific data that allows the digital broadcast receiver to identify messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver (see page 7, lines 9-14; page 10, lines 7-22; page 20, lines 11-22) for storage therein (see page 9, lines 22-32) to detect messages addressed individually thereto (see page 13, lines 11-24; page 16, lines 12-17), and sending the message detection data

to the digital broadcast receiver through the network.

- a method of configuring (see page 10, line 24 to page 11, line 2; page 13, lines 11-24) a digital broadcast receiver (see page 5, lines 24-29) to receive individually addressed messages (see page 6, lines 21-31; page 8, lines 6-19) through a digital broadcast network (see page 5, lines 11-14; page 7, lines 11-21), the messages emanating from a network different from the digital broadcast network (see page 4, line 14 to page 5, line 6), comprising receiving at the digital broadcast receiver from the digital broadcast network, message detection data that allows the digital broadcast receiver to identify said messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver (see page 10, lines 7-22; figure 4b), and storing the message detection data (see page 9, lines 22-32) for use in the digital broadcast receiver to detect messages addressed thereto (see page 13, lines 11-24; page 16, lines 12-17).

Thus the application PCT/IB2003/005639 filed 28.11.2003 is not the first application of the applicant for the subject-matter of **claims 1, 12, 20**. Therefore the claimed **priority from PCT/IB2003/005639** filed 28.11.2003 is **not valid** for independent **claims 1, 12, 20** (Article 8 PCT, Article 4C of the Stockholm Act of Paris Convention).

2. The additional features of dependent **claims 2-6, 10, 11, 14, 15, 18, 19, 21** are also disclosed in the application PCT/IB02/00726 filed 12.03.2002 and published as WO03/077550:

- **claims 2, 10, 11**: see page 5, line 31 to page 6, line 2; page 7, lines 1-7; page 24, line 28 to page 25, line 15;
- **claim 3**: see page 5, lines 24-29; page 19, lines 7-15; page 21, lines 8-13;
- **claim 4**: see page 8, lines 6-24; page 21, line 27 to page 22, line 7; figure 4b;
- **claim 5**: see page 9, line 26 to page 10, line 5; page 10, lines 7-22; page 13, lines 5-24; page 21, line 27 to page 22, line 7; figure 4b;
- **claim 6**: see page 7, lines 9-14; page 10, lines 7-22; page 20, lines 11-22;
- **claim 14**: see page 19, lines 7-22;
- **claim 15**: see page 5, line 31 to page 6, line 2; page 7, lines 1-7; page 24, line 28 to page 25, line 15;
- **claims 18, 19**: see the network described on page 7, line 1 to page 8, line 4 in combination with the objections of **claim 12**;

- **claim 21:** see page 5, line 24 to page 6, line 2; page 7, lines 1-7;
page 19, lines 7-15; page 21, lines 8-13

Thus the application PCT/IB2003/005639 filed 28.11.2003 is not the first application of the applicant for the subject-matter of dependent **claims 2-6, 10, 11, 14, 15, 18, 19, 21**. Therefore the claimed **priority from PCT/IB2003/005639** filed 28.11.2003 is **not valid** for dependent **claims 2-6, 10, 11, 14, 15, 18, 19, 21** (Article 8 PCT, Article 4C of the Stockholm Act of Paris Convention).

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following new documents are introduced by the examiner:

D1: WO03/077550 (NOKIA CORPORATION / IKONEN, Ari) 18 September 2003
D2: EP1067741 (CANAL+ Société Anonyme) 10 January 2001
D3: WO03/069911 (TELEVISION AND WIRELESS APPLICATIONS EUROPE AB / KAHRE, Ragnar) 21 August 2003

2. **Novelty objections based on document D1:**
Claims 1-6, 10-12, 14, 15, 18-21 are not new, Article 33(2) PCT.
For the reasons see the prior art of **D1** in above paragraphs of **Re Item II Priority**.

3. **Novelty and inventive step objections based on document D2:**

- 3.1 **Claim 1:**

Document **D2** discloses a method of configuring (see paragraphs [0053], [0075], [0083]) a digital broadcast receiver to receive individually addressed messages through a digital broadcast network (see paragraphs [0034], [0047] - [0050]), the messages being derived from a different network (see paragraphs [0022], [0023]), comprising sending to the digital broadcast receiver through the network (see paragraph [0076]), message detection data that allows the digital broadcast receiver to identify messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver (see paragraphs [0030],

[0075], [0077], [0078], [0087]), and storing the message detection data for use in the digital broadcast receiver to detect messages addressed thereto (see paragraphs [0007], [0008], [0014], [0083]).

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT.

3.2 Dependent claims 3-7:

The subject-matter of dependent **claims 3-7** is also known from document **D2**:

- **claim 3**: see paragraphs [0012], [0019], [0089];
- **claim 4**: see paragraphs [0051] - [0053];
- **claim 5**: see paragraphs [0075] - [0078];
- **claim 6**: see paragraph [0078];
- **claim 7**: see paragraph [0053];

The subject-matter of **claims 3-7** is therefore not new, Article 33(2) PCT.

3.3 Dependent claims 2, 8-11:

Dependent **claims 2, 8-11** do not add anything of inventive significance to any of the claims they refer to for the reason that their subject-matter is in principle derivable from the disclosure of document **D2**:

- **claims 2, 10, 11**: see paragraphs [0012], [0016], [0017], [0019], [0087], "*Set Top Box*" in [0089]; Remark: [0012], [0016], [0017], and [0087] refer to sending e-mail messages in MPEG data streams. However, substituting e-mails by MMS multimedia messages in MPEG data streams is obvious to the skilled person;
- **claim 8**: see "*type identifier 3066*" in paragraph [0078];

Remark: A type destined for a single subscriber is disclosed which implies that there are also types for multiple subscribers.

- **claim 9**: see paragraphs [0053], [0075] in combination with the objections of **claim 8**;

The subject-matter of **claims 2, 8-11** does not involve an inventive step, Article 33(3) PCT.

3.4 Independent claim 12:

Document **D2** discloses a method of operating a digital broadcast network (see figures 1, 3) to configure a digital broadcast receiver (see paragraphs [0053], [0075], [0083]) to receive individually addressed messages through the network (see paragraphs [0034], [0047] - [0050]), the messages being derived from a network different from the broadcast network (see paragraphs [0022], [0023]), comprising receiving specific data that individually characterises a particular digital broadcast receiver, providing message detection data as a function of said specific data that allows the digital broadcast receiver to identify messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver for storage therein to (see paragraphs [0030], [0075], [0077], [0078], [0087]).

The subject-matter of **claim 12** is therefore not new, Article 33(2) PCT.

3.5 Dependent claims 13, 14, 16-18:

The subject-matter of dependent **claims 13, 14, 16-18** is also known from document **D2**:

- **claim 13, 16**: see paragraphs [0051] - [0053];
- **claim 14**: see paragraphs [0075] - [0078];
- **claim 17**: see paragraph [0007], [0051] - [0053];
- **claim 18**: **D3** describes the method of **claim 12** in the network of figures 1, 3.

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The subject-matter of **claims 13, 14, 16-18** is therefore not new, Article 33(2) PCT.

3.6 Dependent claims 15 and 19:

Dependent **claims 15 and 19** do not add anything of inventive significance to any of the claims they refer to for the reason that their subject-matter is in principle derivable from the disclosure of document **D2**:

- **claim 15**: see paragraphs [0030], [0075], [0077], [0078], [0087] in combination with the objections concerning MMS for **claims 2, 10, 11**;
- **claim 19**: see objections of **claim 18** concerning a network in combination with the objections of **claims 2, 10, 11** concerning MMS;

The subject-matter of **claims 15 and 19** does not involve an inventive step, Article 33(3) PCT.

3.7 Independent claim 20:

The same objections as raised for **claim 1** also apply to **claim 20** because the claims differ only in the perspective of sending messages to the receiver (**claim 1**) or receiving messages at the receiver (**claim 2**).

Document **D2** discloses a method of configuring (see paragraphs [0053], [0075], [0083]) a digital broadcast receiver to receive individually addressed messages through a digital broadcast network (see paragraphs [0034], [0047] - [0050]), the messages emanating from a network different from the digital broadcast network (see paragraphs [0022], [0023]), comprising receiving at the digital broadcast receiver

from the digital broadcast network (see paragraph [0076]), message detection data that allows the digital broadcast receiver to identify said messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver (see paragraphs [0030], [0075], [0077], [0078], [0087]), and storing the message detection data for use in the digital broadcast receiver to detect messages addressed thereto (see paragraphs [0007], [0008], [0014], [0083]).

The subject-matter of **claim 20** is therefore not new, Article 33(2) PCT.

3.8 Dependent claim 21:

Dependent **claim 21** does not add anything of inventive significance to **claim 20** for the reason that their subject-matter is in principle derivable from the disclosure of document **D2** (see paragraphs [0012], [0016], [0017], [0019], [0087], "*Set Top Box*" in [0089]; Remark: [0012], [0016], [0017], and [0087] refer to sending e-mail messages in MPEG data streams. However, substituting e-mails by MMS multimedia messages in MPEG data streams is obvious to the skilled person).

The subject-matter of **claim 21** does not involve an inventive step, Article 33(3) PCT.

4. Novelty and inventive step objections based on document D3:

4.1 Claim 1:

Document **D3** filed 11 December 2002 and published 21 August 2003 also discloses a method of configuring (see page 3, lines 3-13) a digital broadcast receiver (see page 4, lines 17-20) to receive individually addressed messages (see page 4, line 25 to page 5, line 2) through a digital broadcast network (see page 6, lines 5-20), the messages being derived from a different network (see page 10, line 26 to page 11, line 27; "*GSM-net 21 / mobile communication network*" and "*server device 20*" in figure 3), comprising sending to the digital broadcast receiver through the network, message detection data that allows the digital broadcast receiver to identify messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver (see page 7, line 7 to page 8, line 2; page 9, line 9 to page 10, line 25), and storing (see page 3, lines 9-25) the message detection data for use in the digital broadcast receiver to detect messages addressed thereto.

The subject-matter of **claim 1** is therefore not new, Article 33(2) PCT.

4.2 Independent claim 12:

Document **D3** further discloses a method of operating (see page 6, line 5 to page 8, line 15) a digital broadcast network to configure (see page 3, lines 3-13) a digital broadcast receiver (see page 4, lines 17-20) to receive individually addressed messages (see page 4, line 25 to page 5, line 2) through the network (see page 6, lines 5-20), the messages being derived from a network different from the broadcast network (see page 10, line 26 to page 11, line 27; *"GSM-net 21 / mobile communication network"* and *"server device 20"* in figure 3), comprising receiving specific data that individually characterises a particular digital broadcast receiver, providing message detection data as a function of said specific data that allows the digital broadcast receiver to identify messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver for storage therein to detect messages addressed individually thereto (see page 7, line 7 to page 8, line 2; page 9, line 9 to page 10, line 25), and sending the message detection data to the digital broadcast receiver through the network

The subject-matter of **claim 12** is therefore not new, Article 33(2) PCT.

4.3 Independent claim 20:

Document **D3** additionally discloses a method of configuring (see page 3, lines 3-13) a digital broadcast receiver (see page 4, lines 17-20) to receive individually addressed messages (see page 4, line 25 to page 5, line 2) through a digital broadcast network (see page 6, lines 5-20), the messages emanating from a network different from the digital broadcast network (see page 10, line 26 to page 11, line 27; *"GSM-net 21 / mobile communication network"* and *"server device 20"* in figure 3), comprising receiving at the digital broadcast receiver from the digital broadcast network, message detection data that allows the digital broadcast receiver to identify said messages broadcast through the network with at least one individual address corresponding to the digital broadcast receiver (see page 7, line 7 to page 8, line 2; page 9, line 9 to page 10, line 25), and storing (see page 3, lines 9-25) the message detection data for use in the digital broadcast receiver to detect messages addressed thereto.

The subject-matter of **claim 20** is therefore not new, Article 33(2) PCT.

4.4 Dependent claims 3-7 and 18:

The subject-matter of dependent **claims 3-7, 18** is also known from document **D3**:

- **claim 3**: see page 4, lines 17-20;
- **claim 4, 13**: see page 4, line 25 to page 5, line 2;
page 9, line 9 to page 10, line 12;
- **claim 5, 14**: see page 10, lines 15-25;
- **claim 6**: see page 9, line 9 to page 10, line 2;
- **claim 7**: see page 10, lines 3-12;
- **claim 18**: see the network described in figure 3 in combination with the objections of **claim 12**;

The subject-matter of **claims 3-7, 18** is therefore not new, Article 33(2) PCT.

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